

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)	
)	
Unbundling of Network Services)	WC Docket No. 04-313
)	
)	CC Docket No. 01-338
)	

COMMENTS OF THE IOWA UTILITIES BOARD

Introduction

On August 20, 2004, the Federal Communications Commission (FCC) released an Order and Notice of Proposed Rulemaking, WC Docket No. 04-313 and CC Docket No. 01-338. The order details a 12-month transition plan concerning competing carriers' unbundled access to incumbent local exchange carriers' network elements. The FCC staff has expressed an interest in having State Commissions provide what they have regarding "record summary" from the proceedings the states undertook to make the determinations the FCC delegated to them in the Triennial Review Order¹.

Discussion

The Iowa Utilities Board (Board) does not have any record summary from its state proceeding. The Board opened Docket No. INU-03-1 on June 9, 2003. However, it was effectively suspended after the DC Circuit's decision in *United*

¹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98,

States Telecom Association v. FCC, 359 F.3d 554 (D.C. Cir. 2004) was issued.

The docket was closed by Board order on August 10, 2004.

In addition, the Board commenced its own proceeding to consider telecommunications deregulation in various Iowa local exchanges in Re: Deregulation Of Local Exchange Services In Competitive Markets, Docket No. INU-04-1, “Order Initiating Notice And Comment Proceeding.” (A copy of the order is attached to these comments as Attachment A.) In that proceeding, the Board has proposed the deregulation of business and residential retail local exchange service in certain markets and certain statewide services.

The Iowa proceeding was commenced, in part, on the basis of a local exchange competition survey report published by the Board on February 26, 2004. (A copy of the survey report is attached to these comments as Attachment B.) The survey data show that despite the large number of local exchange service providers in Iowa, competitive local exchange service is not universally available.

Because of this ongoing proceeding, the Board cannot comment on the merits of the transition plan. However, final action in Docket No. INU-04-1 is expected to occur before the end of the calendar year; the Board will file updated comments, including a copy of any final decision issued in the Iowa proceeding, shortly thereafter.

98-147, “Report and Order on Remand and Further Notice of Proposed Rulemaking,” FCC 03-36 (rel. Aug. 21, 2003) (Triennial Review Order or TRO).

Conclusion

The Iowa Utilities Board appreciates the opportunity to comment upon the Unbundling of Network Services docket. The Board will submit further comments when and as appropriate.

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Respectfully submitted,

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